

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES**

**August 28, 2006**

**MEMBERS PRESENT:** Emery Zahner, Lori Spielman, Arlo Hoffman, Bob Hoffman, Geri Kupecky and Alternates Carol Strom and Joe Wehr

**MEMBERS ABSENT:** Cliff Aueter and Alternate Jim Prichard

**STAFF PRESENT:** Lisa Houlihan, ZEO/Wetland Agent (sitting in for Robert Phillips, Town Planner) and Kristin Michaud, Recording Secretary

**I. CALL TO ORDER:**

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:07 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS:**

Cheryl Champ, 27 Pine Street, came forward to review her proposal to locate a 24' long concession stand at 117 Stafford Road and handed out a folder of information to the commission.

David Barcell, 27 Pine Street, was also present on behalf of Ms. Champ.

Ms. Houlihan distributed copies of the Vendor Ordinance and stated that staff feels Ms. Champ's proposal exceeds the ordinance and requires a site plan modification but because language in the standard vendor letter, issued by the Trooper's office is unclear/conflicting Ms. Champ was before the commission for their interpretation.

Peter Williams, Building Official, questioned if the trailer would be taken off the premises every night, noting that if the trailer is left overnight building requirements may kick in.

Discussion Ensued

**MOVED (R. HOFFMAN), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ALLOW LOCATION OF A PROPOSED CONCESSION TRAILER FOR CHERYL CHAMP UNDER A TEMPORARY PERMIT THRU DECEMBER 2006, IF THE LATEST SITE PLAN APPROVAL FOR STORAGE FACILITIES INCLUDED LOCATION FOR FARM STAND/VENDOR CART. IF VENDOR CART NOT INCLUDED WITH LAST SITE PLAN APPROVAL THEN SITE PLAN MODIFICATION IS REQUIRED. NEXT YEAR SHE WILL HAVE TO COME BEFORE THE BOARD FOR A MODIFICATION TO THE SITE PLAN EITHER WAY.**

**III. PUBLIC HEARINGS:**

1. #Z200636 – McDonald's Corporation for a special permit to construct a McDonald's restaurant on property located at 135 West Road, APN 037-005-0086 in a PC Zone.

**TIME:** 7:35

**SEATED:** E. Zahner, A. Hoffman, L. Spielman, G. Kupecky, B. Hoffman

Attorney Len Jacobs came forward to review the changes to the building to improve the appearance of the building. Even with change in use from retail to restaurant (fast food) there is virtually no change in the traffic impact because the size of the building has been considerably decreased in size. He noted that the proposed McDonalds building is located a couple hundred feet from Route 83 and landscaping screens a lot of the site.

John Kusak, Boehler Engineering, explained that all of the DRB's comments have been met and also reviewed the changes to the building with the commission.

Commissioner A. Hoffman questioned if a menu board qualifies as a detached sign, stating that they are lit, advertise their product and displays their trademark.

Chairman Zahner read R. Phillips memo dated 8-22-06, the DRB's letter dated 8-14-06 and Buck & Buck's letter dated 8-28-06.

Commissioner B. Hoffman expressed his dislike for the rendering of the first proposed building noting that by no means did it represent the characteristics of Ellington and expressed concerns with the accuracy of the traffic study.

Commissioner A. Hoffman referred to the Build-out Study and its requirements for higher architectural standards for the Town of Ellington. He cited 6.2.9 and expressed concerns that the proposed does not provide safe traffic patterns.

Several members of the public were present to speak to the proposal. Those members were Jean Carver, Andrew Brindisi, Kathy Insler, Laura Gonzalaz, Jack Laven, John Landers and Bryan Flint.

Chairman Zahner asked if the rooftop slats were functional to which Mr. Kusak stated that they were light strips. Chairman Zahner stated that such violates lighting standards.

Attorney Jacobs the difficulty in determining a design theme for the area and that the plans were trying to match Big Y. He expressed frustration with the lack of specific direction for desired design elements.

Chairman Zahner questioned why several designs weren't presented to the commission for consideration, noting the various designs of other McDonald's.

Peter Williams, was present for the DRB and explained the DRB's comments.

The commission discussed their concern for the proposed drive thru.  
Discussion Ensued.

**MOVED (B. HOFFMAN), SECONDED (A. HOFFMAN) AND PASSED UNANIMOUSLY TO REQUEST THAT BUCK & BUCK CONDUCT A TRAFFIC STUDY OF INTERIOR CIRCULATION AND PARKING AND EXTERIOR TRAFFIC IMPACTS.**

**MOVED (B. HOFFMAN), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CONTINUE TO THE SEPTEMBER 25, 2006 MEETING #Z200636 – MCDONALD'S CORPORATION.**

2. #Z200634 – William Mandell for a special permit to construct a 2040' convenience store on property located at 194 Windsorville Road, APN 009-067-0000 in a C Zone. (Continued from the July 24, 2006 meeting)

**TIME:** 9:05

**SEATED:** E. Zahner, A. Hoffman, L. Spielman, G. Kupecky, B. Hoffman

Attorney Len Jacobs reviewed the revised plans and explained that the DRB approval. He reviewed the Town Engineer's comments about sidewalks at the site and how such is not recommended. Mr. Thompson has no concern with the proposed entrance/exits. For the record and as requested by the Town Engineer, Attorney Jacobs made the following statement: When the round-about is built his client, the owner of the property understands that there is a potential need to close a couple curb cuts.

Jim Dutton, Dutton & Johnston, came forward to review the landscaping at the site and explained that they added a row of red maples in the back of the building.

Tom Manning, FLB, came forward to review the building noting the country aspects of the building. The dumpsters have been screened and the propane dispensing station is gone and stated that the DRB comments have been incorporated to the plan.

Chairman Zahner read DRB letter dated 8-14-06, Buck & Buck's letter dated 8-25-06 and Robert Phillips, Town Planner letter dated 8-22-06.

**MOVED (KUPECKY), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200634 – WILLIAM MANDELL.**

**MOVED (SPIELMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #Z200634 – WILLIAM MANDELL.**

**MOVED (SPIELMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO AMEND THE PREVIOUS MOTION TO INCLUDE DRB'S SUGGESTIONS #Z200634 – WILLIAM MANDELL.**

**CONDITION: IN ACCORDANCE WITH TOWN ENGINEERS LETTER DATED 8-25-06 AND DRB COMMENTS.**

3. #Z200632 – Nutmeg Industrial Park, LLC for site plan modification to modify paved parking lot to gravel parking lot on property located at 7 Nutmeg Drive, APN 017-022-0006. (Continued from the July 24, 2006 meeting)

**TIME:** 9:35

**SEATED:** E. Zahner, G. Kupecky, A. Hoffman, L. Spielman, B. Hoffman

Attorney Kerensky of Kahan, Kerensky, & Capossela, reviewed the plan with the commission. He handed out pictures of adjoining properties to show the gravel areas at surroundings sites. They will pave the driveway aprons for phase I and phase II.

Chairman Zahner read Buck & Buck's letter dated 6-26-06.

**MOVED (SPIEMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200632 – NUTMEG INDUSTRIAL PARK, LLC.**

**MOVED (B. HOFFMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #Z200632 – NUTMEG INDUSTRIAL PARK, LLC.**

**CONDITION: IN ACCORDANCE WITH DEPARTMENT OF PUBLIC WORKS COMMENTS FOR PAVING OF APRONS FOR PHASES I AND II.**

4. #S200607 – James Gessay & Robert Ludwig for a 2 lot resubdivision on property located on Kibbe & Porter Roads, APN 122-030-0000 in an AA Zone.

**TIME:** 9:50

**SEATED:** E. Zahner, L. Spielman, A. Hoffman, B. Hoffman, Gerry Kupecky

Russ Heintz, Tarbell & Heintz, came forward for the applicant and submitted proof of mailing. He reviewed the plan with the commission. There is public water and onsite septic systems. A detention basin was originally approved for a 14 lot subdivision to catch all the runoff which has not been built, noting bonding is present.

Chairman Zahner read Buck & Buck's letter dated 8-28-06.

Earl Kloter, 42 Kibbe Road, explained the drainage present on the subject property and questioned where the runoff would be diverted to once the site was developed.

Chairman Zahner read Rob Phillips memo dated 8-22-06.

**MOVED (SPIELMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #S200607 – JAMES GESSAY & ROBERT LUDWIG.**

**MOVED (B. HOFFMAN), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS - #S200607 – JAMES GESSAY & ROBERT LUDWIG.**

**CONDITIONS: 1) SIGNATURE FROM SOIL SCIENTIST TO BE INCORPORATED ON THE PLANS, 2) SUBJECT TO RECEIPT OF A HOLD HARMLESS AGREEMENT REGARDING DRAINAGE 3) FEE-IN-LIEU OF OPEN SPACE SCHEDULE SHOULD BE PLACED ON THIS RE-SUBDIVISION AND REMAINING LAND AND 4.) DETENTION BASIN SHALL BE INSTALLED BEFORE ZONING PERMIT CAN BE ISSUED.**

5. #Z200628 – Steve Moser for a special permit for a detached 2 car garage addition on property located at 61 Wapping Wood Road, APN 005-004-0000 in an AA Zone.

**TIME:** 10:05

**SEATED:** J. Wehr, E. Zahner, G. Kupecky, L. Spielman, B. Hoffman, A. Hoffman

Steve Moser came forward for the application.

Chairman Zahner read Buck & Buck's letter dated 6-2-06 and planner's comments.

**MOVED (KUPECKY), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200628 – STEVE MOSER.**

**MOVED (SPIELMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #Z200628 – STEVE MOSER.**

**CONDITIONS: NO ACCESSORY APARTMENT WITH THIS APPROVAL 2) IN ACCORDANCE WITH TOWN ENGINEERS LETTER DATED 6-2-06.**

6. #Z200640 – Eliud Sanchez for a special permit for a 2400 sq. ft. martial arts facility on property located at 175 West Road, APN 055-045-0000 in a PC Zone.

**TIME: 10:10**

**SEATED:** C. Strom, E. Zahner, G. Kupecky, L. Spielman, A. Hoffman, B. Hoffman

Eliud Sanchez came forward for the application.

Town Planner's comments were reviewed.

**MOVED (KUPECKY), SECONDED (STROM) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200640 – ELIUD SANCHEZ.**

**MOVED (KUPECKY), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200640 – ELIUD SANCHEZ.**

7. #Z200641 – Mark Kentfield for a special permit for a liquor store on property located at 12 Main Street, APN 064-003-0000 in a C Zone.

**TIME: 10:15**

**SEATED:** J. Wehr, E. Zahner, G. Kupecky, L. Spielman, B. Hoffman, A. Hoffman

Chairman Zahner read Mr. Phillip's memo dated 8-22-06.

William Breslow, partial owner of the complex, came forward to explain the request. He noted that the only change would be internally and the face of the existing sign.

Chairman Zahner read Patricia Brown's letter dated 8-7-26.

Commissioner A. Hoffman quoted the town regulations 1.1 being too close to child care facility.

Discussion Ensued.

Commissioner B. Hoffman suggested that there only be text in the windows and no posters of any sort.

Attorney Kerensky came forward to explain the proposal and how daycares and liquor stores are highly regulated by the State.

**MOVED (B. HOFFMAN), SECONDED (WEHR) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200641 – MARK KENTFIELD.**

**MOVED (B. HOFFMAN), SECONDED (KUPECKY) AND PASSED (A. HOFFMAN – OPPOSED) TO APPROVE WITH CONDITION #Z200640 – MARK KENTFIELD.**

**CONDITION: SIGNAGE IS LIMITED TO TEXT ONLY, NO GRAPHICS TO BE USED.**

8. #Z200629 – Frank & Debbie Lepri for site plan approval for a coffee shop on property located at 291 Somers Road, APN 083-013-0000 in a C Zone.

**TIME:** 10:28

**SEATED:** C. Strom, E. Zahner, G. Kupecky, L. Spielman, B. Hoffman, A. Hoffman

**MOVED (KUPECKY), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200629 – FRANK & DEBBIE LEPRI.**

**MOVED (KUPECKY), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO DENY WITHOUT PREJUDICE DUE TO INCOMPLETENESS #Z200629 – FRANK & DEBBIE LEPRI.**

#### **IV. UNFINISHED BUSINESS: NONE**

#### **V. NEW BUSINESS:**

1. #S200608 – Pioneer Builders of Ellington, Inc. for a subdivision modification and modification of conditions of the Middlefield Estates Subdivision to eliminate the requirement for sidewalks along Middle Road, APN 043-007-0000 in an AA Zone.

Attorney Kerensky came forward to review why they don't want sidewalks on Middle Road.

Chairman Zahner read Buck & Buck's letter dated 8-28-06.

**MOVED (B. HOFFMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE SUBDIVISION MODIFICATION AND MODIFICATIONS OF CONDITIONS TO ELIMINATE SIDEWALKS ALONG MIDDLE ROAD FOR PIONEER BUILDERS OF ELLINGTON, INC. - #S200608.**

#### **MOTION WITHDRAWN**

**MOVED (B. HOFFMAN), SECONDED (KUPECKY) AND PASSED (B. HOFFMAN – ABSTAINED) TO GRANT A WAIVER OF SIDEWALK REQUIREMENT, AND ACCEPT DONATION TO THE SIDEWALK FUND AS CALCULATED BY THE TOWN ENGINEER.**

2. #Z200638 – Daryl & Rick DeCarli for site plan approval to construct two barns and a riding arena on property located at 189 Sadds Mill Road, APN 100-008-0000 in an I & RA Zone.

Tim Coon, J.R. Russo & Associates, came forward for the applicant. He reviewed the plan with the commission. It is an indoor riding arena – a Cover All Building and is 57' high. There will be 22 spaces for parking. There will be on site well and septic. There will be curtain drains around the building to collect run off and they will have six outdoor lights on the building. There will be no public assembly.

Rick DeCarli noted that future expansion might provide assembly area dependant on success of arena.

Chairman Zahner read Buck & Buck's letter dated 8-23-06 and the DRB's letter dated 8-14-06.

**MOVED (SPIELMAN), SECONDED (STROM) AND PASSED UNANIMOUSLY TO APPROVE DARYL & RICK DECARLI - #Z200638.**

3. #Z200639 – Brent Moser for site plan approval to erect a morton building for storage on property located on Lower Butcher Road, APN 018-020-0000 in an IP Zone.

Brent Moser came forward to explain where the morton building would be going.

Chairman Zahner read Buck & Buck's letter dated 8-25-06.

**MOVED (KUPECKY), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS BRENT MOSER - #Z200639.**

**CONDITIONS: NO DRAINS AND NO FACILITIES ARE APPROVED IN ACCORDANCE WITH REVISED PLANS.**

4. Request from Robert Dietrich to allow the Town Planner to approve changes to landscaping at the Center Village project located on 22 Maple Street (#Z200522).

This item was discussed at the last meeting and should be removed from the agenda.

5. Request for a 5 year extension to complete subdivision improvements for the Crystal Ridge Subdivision (#S200113)

Attorney Jacobs was present for the proposal.

**MOVED (B. HOFFMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE A REQUEST FOR 5 YEAR EXTENSION TO COMPLETE SUBDIVISION IMPROVEMENTS FOR THE CRYSTAL RIDGE SUBDIVISION (#S200113)**

6. Request for final approval for phase 2A of Crystal Ridge Subdivision (#S200113).

Attorney Jacobs was present for the proposal and presented a letter to file as requested by the Town's Attorney.

Discussion Ensued.

**MOVED (A. HOFFMAN), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE PHASE WITH CONDITIONS 2A OF CRYSTAL RIDGE SUBDIVISION #S200113)**

**CONDITIONS: THAT 2<sup>ND</sup> ACCESS POINT IS TO BE OBTAINED AS AGREED UPON AND STIPULATED IN 8/28/06 E-MAIL FROM ATTORNEY RYAN AND 8/28/06 LETTER FROM ATTORNEY JACOBS.**

7. Request for final approval for Angel Trace Subdivision (#S200503).

**THIS ITEM WAS TABLED TO THE SEPTEMBER 25, 2006 MEETING.**

8. Request for two 90-day extension to file mylars on the land records for Webster Road Subdivision (#S200515).

**THIS ITEM WAS TABLED TO THE SEPTEMBER 25, 2006 MEETING.**

9. Request for a final 90-day extension to file mylars on the land records for REM Motors Subdivision (#S200511).

**THIS ITEM WAS TABLED TO THE SEPTEMBER 25, 2006 MEETING.**

10. Request for a second 90-day extension to file mylars on the land records for Brooks Crossing Developers, LLC (#S200509).

**THIS ITEM WAS TABLED TO THE SEPTEMBER 25, 2006 MEETING.**

11. #Z200642 – Craig, Gary, Kurt & Derek Sullivan for a special permit for 1 rear lot in conjunction with a 2 lot subdivision on property located at 74 Hoffman Road, APN 120-026-0000 in an A & RA Zone. (RECEIPT ONLY)

**BY CONSENSUS, THE COMMISSION RECEIVED ITEM #Z200642.**

12. #S200609 - Craig, Gary, Kurt & Derek Sullivan for a 2 lot re-subdivision on property located at 74 Hoffman Road, APN 120-026-0000 in an A & RA Zone. (RECEIPT ONLY)

**BY CONSENSUS, THE COMMISSION RECEIVED ITEM #S200609.**

**MOVED (ZAHNER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ADD BY VOICE VOTE AND RECEIVE #S200611 – OAKHILL EQUESTRIAN PROPERTIES, LLC FOR SITE PLAN MODIFICATION FOR A RETENTION BASIN ON PROPERTY LOCATED AT 166 MOUNTAIN STREET, #S200612 – OAKHILL EQUESTRIAN PROPERTIES, LLC FOR SITE PLAN MODIFICATION FOR CROSSING RETAINING WALL FROM 4 TO 1 SLOPE TO 2 TO 1 SLOPE ON PROPERTY LOCATED ON OAK HILL FARMS ROAD, #Z200644 – DEER VALLEY, LLC FOR A ZONE CHANGE FROM AA TO MF ON PROPERTY LOCATED AT 170 WINDERMERE AVE AND 24 ELLRIDGE PLACE, #Z200643 – GEORGE CARNEIRO FOR A SPECIAL PERMIT FOR A 12' X 30' FREE STANDING SHED ON PROPERTY LOCATED 127 WEST ROAD.**

**VIII. ADMINISTRATIVE BUSINESS:**

1. Discussion of risk associated with ex parte communications by the commission.

**THIS ITEM WAS TABLED TO THE SEPTEMBER 25, 2006 MEETING.**

2. Set the effective date for the zone change from AA to MF on property located at 160 Windermere Avenue, APN 026-002-0000 & 026-002-0033.

**THIS ITEM WAS TABLED TO THE SEPTEMBER 25, 2006 MEETING.**

3. Discussion to clarify conditions of approval for propane dispensing station at Lee's Auto, 161-171 West Road.

**PLANNING & ZONING COMMISSION CHAIRMAN TO REVIEW WITH PLANNING DEPARTMENT.**

4. Discussion regarding Skips, Inc.

**MOVED (B. HOFFMAN), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY FOR SKIPS, INC. FOR STORAGE AND OFFICE SPACE ON PROPERTY LOCATED AT NUTMEG DRIVE.**

5. Discussion regarding revisions of zoning regulations.

**THIS ITEM WAS TABLED TO THE SEPTEMBER 25, 2006 MEETING.**

6. Approval of Meeting Minutes:  
June 26, 2006 Regular Meeting Minutes, June 22, 2006 Special Meeting Minutes, August 15, 2006 special meeting minutes.

**THIS ITEM WAS TABLED TO THE SEPTEMBER 25, 2006 MEETING.**



7. Correspondence:

- a. Wednesday, August 9, 2006 Design Review Board's comments and minutes.
- b. Letter to Robert Dietrich from Robert Phillips dated 8/8/06. (Center Village)
- c. Thursday July 6, 2006 Design Review Board's comments and minutes.
- d. Letter to Lee's Auto Ranch from Lisa Houlihan dated 7/10/06. (171/161 West Road)
- e. Letter to Robert Phillips from the Town Attorney dated 7/5/06. (Notice to Abutters)
- f. Letter to Dana Steele from Robert Phillips dated 6/28/06. (Comments from 6-26-06 PZC meeting)
- g. 2006 Plan of Conservation.

**THIS ITEM WAS TABLED TO THE SEPTEMBER 25, 2006 MEETING.**

**IV. ADJOURNMENT:**

**MOVED (B. HOFFMAN), SECONDED (WEHR) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 11:35 PM.**

Respectfully Submitted,

Kristin Michaud  
Recording Secretary